IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

RPFC.No. 234 of 2007()

AGAINST ORDER DT 8.2.05 IN MC.230/2004 ON THE FILE OF THE FAMILY COURT, KANNUR

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REVISION PETITIONER/COUNTER PETITIONER

KANDATHIL MUHAMMED KUNHI
AGED 33 YEARS,
ETTIKULAM P.O., RAMANTHALLY (VIA),
KANNUR DISTRICT

BY ADV. SRI.M.SASINDRAN

RESPONDENT: PETITIONER

SHAHAZADA M.T., AGED 8 YEARS(MINOR),
REPRESENTED BY HER MOTHER -MEETHAL
THAYAL SAHIDA, AGED 26 YEARS, D/O.ABDUL SALAM,
RESIDING AT RAMANTHALLY AMSOM,
ETTIKULAM DESOM,
POST RAMANTHALLY,
THALIPARAMBA TALUK.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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R.P.(FC) No. 234 of 2007

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Dated, this the 20th day of June 2007

ORDER

The Revision Petitioner challenges the order dated 8-2-2005 passed by the Family Court, Kannur awarding maintenance to his six year old girl at the rate of Rs. 1,500/- per month from the date of order namely 8-2-2005 in a proceeding under Sec. 125 Cr.P.C. in which the girl had claimed a sum of Rs. 2,000/- per month by way of maintenance.

2. Even though the revision petitioner was served with notice in the proceedings before the court below, he did not choose to enter appearance, and was therefore, set ex-parte.

3. The minor girl was represented by her mother who was admittedly married by the revision petitioner on 29-5-1997. The Revision Petitioner was admittedly employed in the Gulf. The Revision Petitioner had subsequently divorced her on 14-12-2003.

4. Even though the revision petitioner would contend that the mother of his child ran away with a relative by name one Abdul Kalam on 1-10-2003 deserting the revision petitioner and

that forced the revision petitioner to divorce her on 14-12-2003, he does not dispute that the applicant minor child is his daughter born in lawful wedlock. He did not choose to enter appearance or contest the petition eventhough he was duly served with notice in the maintenance petition.

5. The evidence adduced on the side of the applicant showed that the girl was studying in the first standard and was also taking tuition and she is also having impaired hearing necessitating treatment. It was taking into account all these factors that the Family Court awarded the amount of Rs. 1,500/- by way of maintenance. I do not find any irregularity, illegality or impropriety either in the proceedings or in the quantum of maintenance.

This Revision is accordingly dismissed in limine.

V. RAMKUMAR,
(JUDGE)

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